

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA Plaintiff v. (1) JAVIER OMAR GOMEZ- CARRASQUILLO Defendant	CRIMINAL NO. 17-553 (PG-CVR)
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SENTENCING MEMORANDUM

TO THE HONORABLE U.S. DISTRICT JUDGE
HON. FRANCISCO A. BESOSA

COMES NOW, the defendant Javier Omar Gómez-Carrasquillo, through the undersigned court appointed attorney, and before this Honorable Court respectfully states and prays:

- 1- The defendant and his counsel have review the Pre-Sentence Investigation Report (PSR) and have no objection to the same.
- 2- Defendant hereby submits the present Sentencing Memorandum setting forth all factors that the Court shall consider in determining what type and length of sentence is sufficient, but not greater than necessary to comply with the statutory directives set forth in 18 U.S.C. Section 3553 (a).

OFFENSE LEVEL COMPUTATION

3. According to the Plea Agreement, the defendant's base offense level was calculated at a level of twenty (20) pursuant to USSG §2K2.1 (a)(4)(B)(i)(II)(ii)(I). A four level increase was applied because the

defendant was engaged in the trafficking of firearms pursuant to USSG section 2K2.1(b)(5). A three level decrease was applied for clearly demonstrating his acceptance of responsibility, yielding a total offense level of twenty one (21).

OFFENSE CONDUCT

4. In Sentencing an individual defendant “the court should consider every convicted person as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify the crime and the punishment to ensue.” *Gall v. United States*, 128 S.Ct.586,598 (2007). With this in mind, the defendant respectfully points out a number of personal factors the Honorable Court should take into consideration at the time of sentencing. Defendant’s life and background should be relevant.
5. For purposes of Section 3553 (a) defendant incorporates by reference Part C of PSR pages 8 to 11.

PERSONAL HISTORY

6. Javier Omar Gomez Carrasquillo is a 24 years old United States citizen, born in Bayamón, Puerto Rico. He is single and has no children.
7. Javier Omar Gomez-Carrasquillo is described as a good person, a good son who is filled with hopes and dreams. His family was surprised by his arrest because he finally had a stable full-time job at Econo Supermarket and was in a stable relationship. Javier Omar Gómez Carrasquillo has been working steadily since 2013.

8. His family would like this Honorable Court to consider how quickly he accepted responsibility for the offense and would like him to be fair when sentencing her son. His family fully supports him and is eager for him to be released from imprisonment.
9. While imprisoned the defendant has been feeling bad because he is making his mother suffer. He is also sad, helpless and lost because he lost everything he worked so hard to obtain. He occasionally suffers from insomnia because he spends the nights thinking about the future. Because of his emotional turmoil, he has lost 45 pounds since his imprisonment.
9. The defendant was placed in the Special Education Program since elementary school because he was diagnosed with Attention Deficit Disorder and Hyperactivity. He used to receive occupational therapy and psychological treatment. However, he discontinued his treatment because he felt ashamed of his condition. He completed his GED and enrolled in at Modern Hairstyling Institute in Bayamón. To become a barber. He was not able to complete his degree due to economic hardship.
10. The defendant would like to complete his degree and become a barber. He would also like to take courses in auto body repairs, auto mechanic, plumbing, welding and English.
11. The defendant is remorseful for his participation in this instant offense and has expressed genuine repentance.
12. The Presentence Investigation Report calculated the Defendant's

Criminal History Category at a level I, which would place him in a 37 to 46 months of imprisonment.

13. The Presentence Investigation Report includes as sentencing options probation. The PSR states that defendant is eligible for no less than one not more than five years of probation because the offense level is a Class D Felony, pursuant to Title 18 U.S.C. Section 3561 ©(1) .

14. Defendant's believes that the sentencing option of probation recommended in the PSR is pursuant to section 3553 (a) which will achieve the goals of punishment. Justice will be more than well served by this proposed sentence. The defendant recognizes the seriousness of his offense and he is not attempting to avoid his reality

I HEREBY CERTIFY that on this date I electronically filed the foregoing with the Clerk of this Court using the CM/ECF system which will send notification of such filing to all parties.

RESPECTFULLY SUBMITTED, in San Juan, Puerto Rico this September 13th, 2018.

S/Lillian N. Miranda Rodríguez

Lillian N. Miranda Rodríguez

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